

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE O. ARTEAGA,

Plaintiff,

v.

J. GARCIA, *et al.*,

Defendants.

Case No. 1:22-cv-01292-KES-EPG (PC)

ORDER ADOPTING
FINDINGS AND RECOMMENDATIONS
TO SEVER UNRELATED CLAIMS

(Doc. 24)

Plaintiff Jose O. Arteaga is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 29, 2025, the assigned magistrate judge issued findings and recommendations (Doc. 24) recommending that plaintiff's unrelated claims against John Doe defendants based on events after plaintiff's placement in administrative segregation in February 2019 (Doc. 1 at 14–21) be severed from this action and proceed in a new action. The findings and recommendations were served on plaintiff and contained notice that objections were to be filed within thirty days of service. *Id.* at 9. Plaintiff has not filed objections and the time to do so has expired.

In accordance with 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of this case. After carefully reviewing the file, the Court finds the findings and recommendations to be supported by the record and proper analysis.

Accordingly:

1. The findings and recommendations issued on January 29, 2025, Doc. 24, are ADOPTED IN FULL.
2. Plaintiff's claims against John Doe defendants based on events after plaintiff's placement in administrative segregation in February 2019 (Doc. 1 at 14–21) shall be severed from this action and proceed in a new action.
3. The Clerk of the Court be directed to:
 - a. Open a separate civil action for plaintiff Jose Arteaga against John Doe defendants;
 - b. Assign the new action to the District Judge and Magistrate Judge to whom the instant case is assigned and make appropriate adjustment in the assignment of civil cases to compensate for such assignment;
 - c. File and docket in the new action, with the same effective dates as in this action, a copy of plaintiff's complaint dated October 11, 2022 (Doc. 1); Findings and Recommendations (Doc. 14); Order Adopting in Part Findings and Recommendations (Doc. 21); Findings and Recommendations (Doc. 24); and this Order;
 - d. Send plaintiff copies of these documents bearing the new case number;
 - e. Issue and send to plaintiff New Case Documents;
 - f. Send plaintiff an application to proceed in forma pauperis;

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1 4. Plaintiff is ordered to pay a \$405.00 filing fee in the new case, or to complete and
2 submit an application to proceed in forma pauperis bearing the new case number,
3 within 30 days of this order. Plaintiff is advised that failure to comply with this
4 order may result in the dismissal of plaintiff's new case.

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7 IT IS SO ORDERED.

8 Dated: March 25, 2025


UNITED STATES DISTRICT JUDGE